REMARKS

As a preliminary matter, the Examiner rejected claims 81-82 and 84-88 under §112 for having incorrect dependencies, and claims 56 and 74 alleging that the specification did not describe the phrase "user-defined sizes." In response, Applicant has amended claims 81-82 and 84-88 without adding new matter to correctly depend from claim 77. However, Applicant disagrees that the specification fails to describe the phrase "user-defined sizes."

Page 10, line 18 of the specification explicitly states that the user may partition the internal and/or external memory. That is, "the user may decide how much memory should be dedicated to store "owned" complementary multi-media effects, and how much should be dedicated as temporary storage." Clearly, a user that defines "how much memory should be dedicated" to the partitions necessarily defines the sizes of the memory partitions. Applicant does not claim the process by which the user may specify partition sizes, and thus, that process is not important. What is important is that the partitions have sizes defined by the user. As such, the specification supports the first and second partitions having "user-defined sizes."

In light of the above amendments and remarks, Applicant requests that the Examiner withdraw the §112 rejections.

The Examiner also rejected independent claim 77 as being anticipated by Elliott. Claim 77 is directed to a network-based method of selecting a complementary multi-media effect from one or more picklists for a wireless communications device. In claim 77, a network entity, such as a server, stores the picklists – each of which is associated with a particular category of predetermined events. Based on the type of predetermined event to be sent to the wireless communications device, the network entity selects and transmits a complementary multi-media effect from one of the picklists. To ensure diversity for the receiving user, the network entity re-sequences the activation order of the complementary multi-media effects in the picklists. Therefore, upon a subsequent predetermined event to be sent to the user, the network entity

selects and transmits a new complementary multi-media effect from the re-sequenced picklist along with the subsequent predetermined event. Applicant has amended claim 77 to clarify this network-based operation.

Elliott discloses a system and method of providing user-selected alerting signals such as ring tones, but does not disclose the claimed network-based re-sequencing operation. Rather, Elliott teaches the random selection of a ring tone at the user's terminal <u>after</u> receiving a network signal. Paragraph 0085 specifically describes random selection in Elliott in the context of Figure 4B. According to Elliott, a local table T1 at the user terminal stores acoustic information such as ring tones. The controller at the user's terminal generates a random number for comparison to T1 after receiving a network signal and if the network signal does not already include a ring tone.

Whatever Elliott teaches with respect to random ring tone selection does not occur until <u>after the user terminal receives</u> an incoming call from the network (i.e., step 232 of Fig. 4B). *Elliott*, ¶0085]. Even where the user terminal receives a ring tone with a network signal, Elliott does not teach that a network entity selected the ring tone at random. Rather, Elliott discloses that the network-provided ring tone *is explicitly selected by the calling party. Elliott*, ¶0075; Fig. 4A steps 220, 230; ¶¶ 0067-68, 0072.

Elliott does not teach a network entity that re-sequences an activation order of a picklist containing one or more complementary multi-media effects, and selects a new effect from that re-sequenced picklist for transmission to the wireless communications device along with a subsequent predetermined event. Therefore, Elliott cannot anticipate claim 77 under §102. Claim 77 and its dependent claims are patentable over Elliott.

The Examiner also rejected claims 56 and 74 under §103 as being obvious over Elliott in view of Gargiulo and in further view of Lewis. Claims 56 and 74 have been amended to call out that a user of the wireless communications device partitions the memory into first and second

partitions. The partitions have user-defined sizes, which may be the same or different. *Spec.*, p. 10, ll. 18-23. Complementary multimedia effects selected from a picklist by the network entity are sent to the wireless communications device along with a predetermined event and temporarily stored in the first partition. The wireless communications device moves the complementary multimedia effect from the first partition to the second partition depending upon whether the user wishes to save the complementary multimedia effect. The user-configurable partitions permit users to dedicate as much, or as little, memory as the user thinks is needed for each partition.

The Examiner admits that Elliott does not teach or suggest temporarily storing a complementary multi-media effect in a first partition of memory, and moving the complementary multi-media effect from the first partition to a second partition if the user wants to save the effect. This is not surprising because Elliott actively deletes the ring tones from memory as soon as "[a] call has been answered or terminated." *Elliott,* ¶0077. That is, after the call is answered, Elliott does not maintain a ring tone long enough for the user to approve or decline keeping the ring tone. Therefore, it makes no sense for one skilled in the art to modify Elliott with Gargiulo as the Examiner asserts.

Further, the Examiner admits that neither Elliott nor Gargiulo teach or suggest memory partitions having user-defined sizes, or how those memory partitions might be configured into the claimed partitions. For this teaching, the Examiner cites Lewis. However, it appears that the reason Lewis is cited in the rejection is because it discloses resizing buffers pools. This alone, however, means nothing. Lewis says nothing about partitioning memory into a first partition that temporarily stores a complementary multi-media effect, and a second partition to store the complementary multi-media effect if the user wants to save the effect. Even if it did (which it does not), there would be no motivation to perform such partitioning in Elliott who does
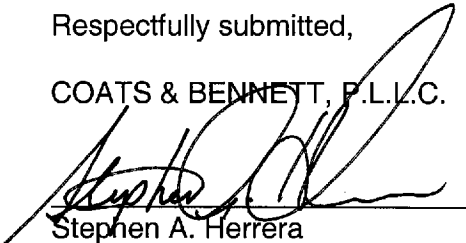
not maintain acoustic information long enough for the user to decide whether to save the ring tone.

It appears the §103 rejection of claims 56 and 74 is based on a collection of references glued together using Applicant's claims. This is impermissible hindsight reconstruction, and is never allowed. None of the references, alone or in combination, teaches or suggests claim 56. Nor do they teach or suggest, alone or in combination, claim 74. As such, the §103 rejections of claims 56 and 74, and of each of their respective dependent claims, fail as a matter of law.

In light of the amendments and their accompanying remarks, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

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Stephen A. Herrera
Registration No.: 47,642

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084